

Research Agreements

University of California

A Guide for Industry

This guide is a summary of the broad principles applicable to research agreements between The Regents of the University of California and industrial and commercial organizations. The principles set forth in this guide reflect the University's position as a publicly supported educational institution and are applicable at each of the University's nine campuses located at Berkeley, Davis, Irvine, Los Angeles, Riverside, San Diego, San Francisco, Santa Barbara and Santa Cruz, and at Agriculture and Natural Resources' Cooperative Extension and Agricultural Experiment Station. This brief presentation of information about the University will serve to facilitate any research relationships that your organization may wish to initiate with the University.

CORPORATE IDENTITY

The University of California is a public trust, administered by the Regents of the University of California, a California constitutional nonprofit corporation. The corporate headquarters for The Regents is located at 300 Lakeside Drive, Oakland, California, 94612-3550. All research agreements must be issued in the University's legal, corporate name: "The Regents of the University of California".

UNIVERSITY ORGANIZATION OF CONTRACT AND GRANT ADMINISTRATION

Office of the President: The Contracts and Grants Office formulates and disseminates the University's policies concerning the administration of research funding agreements.

Campus Administration: Each campus of the University and the Vice President--Agriculture and Natural Resources maintain their own offices for contract and grant administration. While initial discussions between industrial sponsors and University faculty or senior research staff occur in a variety of ways, no program or project may be established or undertaken unless a carefully defined research proposal, including a budget, has been submitted through University internal review procedures and an acceptable funding agreement has been negotiated and signed by the authorized representatives of both parties.

Authority to solicit, negotiate, and execute awards for research on behalf of The Regents of the University of California is delegated to only a few officials on each campus. Names of the authorized officials may be obtained by contacting the contract and grant administrative offices listed in this brochure.

ACADEMIC POLICY GOVERNING RESEARCH AT THE UNIVERSITY OF CALIFORNIA

One of the primary purposes of the University is to carry out research to advance the frontiers of science and technology and further the University's educational programs. The University will enter into arrangements for research when that research does not interfere with University commitments and: 1) it provides faculty the opportunity to gain experience and knowledge of value to their teaching and research; 2) it is suitable research through which the individual may make worthy contributions to knowledge; or 3) it is an appropriate public service. Routine tasks of a commonplace type will not be undertaken. Tests, studies, and investigations of a purely commercial character are undertaken only when satisfactory facilities for such services do not exist elsewhere or are not reasonably available to the sponsor.

PUBLICATION POLICY

A fundamental principle of the University is that the teaching and research environment should be open so that ideas can be exchanged freely among faculty and students. The University's research activities are conducted as an integral part of the total educational program, and these activities often form the basis for articles in professional journals, seminar reports, presentations at professional meetings, and student dissertations and theses. Therefore, the University will undertake research or studies only if the scientific results can be published or otherwise promptly disseminated. Copyrights and publication rights belong to the University and/or the author.

PATENTS AND OTHER INTELLECTUAL PROPERTY

The basic aim of the University's intellectual property policies is to promote the progress of science and technology, to assure that discoveries and inventions are used to benefit the public, to provide appropriate royalty revenues to the University and the inventor, and to support University research and education through the use of invention-related income. The University retains all patent rights from sponsored research, and any invention or patentable idea conceived or reduced to practice in the course of the research belongs to the University. The University will grant to the sponsor a time-limited first right to negotiate an exclusive or nonexclusive license, based upon the level of sponsor support. Further information about the University's patent and licensing policies can be obtained by contacting the campus contract and grant administrative office or the Office of Technology Transfer, University of

California, 1320 Harbor Bay Parkway, Suite 150, Alameda, California 94501, (510) 748-6600.

PAYMENTS

Contracts with sponsors are performed on a "no-profit-no loss" basis. Therefore, research projects incorporate both direct and indirect costs in the research budget. It is also the University's established policy to receive payment in advance of work performed.

USE OF THE UNIVERSITY'S NAME

California Education Code section 92000 provides that the name "University of California" is the property of the State and that no person shall use that name without permission of The Regents of the University of California. It is University policy that under no circumstances shall a sponsor be permitted to state or imply in any publication or other published announcement that the University has approved any product that is or might be manufactured, sold, or otherwise distributed. The University also requires that its name not be used in connection with any advertisement, press release, or other form of business promotion or publicity, or refer to a research agreement, without its prior written approval.

LIABILITY, RISK, AND BEST EFFORTS

Since research by its nature is unpredictable and without guarantee of successful results, University research is conducted on a "best efforts" basis. However, research projects are organized in a manner which is sensitive to the differing time constraints of sponsors. The University receives no fee or profit on its research. For this reason, and also because it is inconsistent with the best efforts principle, the University will not accept contract provisions that guarantee results, impose penalties for failure to make progress by firm deadlines, or provide for withholding of payment if the sponsor is not satisfied with the results. The University will agree, however, to indemnify the research sponsor for the conduct of University officers, agents, employees, students, invitees, and guests under contracts. In certain medical research projects, the sponsor may be requested to share the cost of any compensation paid in the event of injury to a human subject used in the performance of the research.

PROJECT ADMINISTRATION

The collegial environment and effective departmental management within the University assure the

highest standards of performance in all research projects. University policies pertaining to health and safety (such as those governing protection of human subjects, biosafety, occupational and environmental protection, and animal welfare) are applicable to all research conducted at the University. University projects are also conducted in conformance with equal opportunity and affirmative action principles. The University has strong financial management and internal audit programs that insure careful control and accountability of all expenditures.

Under State and University requirements, all Principal Investigators must file Conflict of Interest disclosure statements indicating whether or not they have a direct or indirect financial interest in each private sponsor of their research. The statements are open to public inspection. When disclosure indicates that a financial interest exists, a committee composed of faculty and administrators conducts an independent substantive review of the disclosure statement and the research project prior to acceptance of a contract, grant, or gift.

TERMINATION

In the event a funding agreement is terminated by the sponsor for any reason, the sponsor will be expected to reimburse the University for all costs incurred to the date of termination and for all uncancellable obligations.

CHARACTERISTICS OF UNIVERSITY-INDUSTRY RELATIONS

The University has a long history of cooperation with industry in the support of research that is consonant with the University's missions of teaching research, and public service. Cooperative efforts are encouraged because they produce mutual benefits as well as benefits to society. Industry support contributes to the education of scientists, engineers, and others and also to the development of technologies that can be put to practical use by society. Facilitating the transfer of technology to improve the health and productivity of society is an important goal of the cooperative University-industry relationship.

Modes of Interaction: The character of University-industry relations is shaped by a variety of interactions, some of which include:

- Direct funding of research costs through contracts and grants.

- Gifts and endowments (including endowed chairs) designated for colleges, schools, departments, or individuals.
- University-industry exchange programs and student internships.
- Specialized programs designed by the University for continuing education and training of professionals, primarily through University Extension.
- Participation of industry representatives on campus and systemwide advisory groups.
- Cooperative research projects, some of which include government participation, and the use of specialized facilities.
- Use of unique University facilities on a fee-for-service basis.
- Activities of Cooperative Extension.

- Research activities at the Agricultural Experiment Station and the Kearney Agricultural Center in the San Joaquin Valley.

This brochure summarizes the key features of only one aspect of University- industry relations: agreements for research projects. Information about the other modes of University-industry interaction can be obtained by contracting the campuses.

FURTHER INFORMATION

Further information about developing a research agreement with The Regents of the University of California may be obtained by contacting the office responsible for contract and grant administration at each campus. Inquiries concerning agricultural cooperative extension projects should be directed to the Office of the Vice President-Agriculture and Natural Resources. Addresses and telephone numbers for these administrative offices are listed below.

Berkeley Campus

Sponsored Projects Office
336 Sproul Hall
University of California
Berkeley, CA 94720
(510) 642-0120

Davis Campus

Office of Vice Chancellor-Research
410 Mrak Hall
University of California
Davis, CA 95616-8671
(916) 752-2075

Irvine Campus

Office of Contract and Grant Administration
115 Administration Building
University of California
Irvine, CA 92717-1875
(714) 856-7106

San Francisco Campus

Office of Research Affairs
3333 California Street, Suite 11
University of California